

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DENNIS MCGHEE,**

**Plaintiff,**

**v.**

**TAMARA SMOCK, *et al.*,**

**Defendants.**

**:**

**Case No. 2:23-cv-2868**

**Judge Sarah D. Morrison**

**Magistrate Judge Chelsey M.**

**Vascura**

**:**

**ORDER**

Plaintiff Dennis McGhee is an Ohio resident proceeding without assistance of counsel. (*See* Compl., ECF No. 1-1.) Mr. McGhee was previously employed by the United States Postal Service. (*Id.*) Through this suit, he alleges that Defendants Tamara Smock, Steve Halley, and Mark Wilson—respectively, a supervisor, manager, and plant manager with the USPS—violated his rights. (*See* Compl.) After performing an initial screen of the Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge issued a Report and Recommendation recommending that the Court dismiss the Complaint for failure to state a claim upon which relief may be granted. (R&R, ECF No. 4.) Mr. McGhee filed an objection to the Report and Recommendation. (Obj., ECF No. 6.) If a party objects within the allotted time to a report and recommendation, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The Magistrate Judge construed Mr. McGhee’s Complaint as bringing a race discrimination claim under Title VII of the Civil Rights Act of 1964. (R&R, PAGEID # 30.) She explained that the only proper defendant in a Title VII action against a federal-sector employer is the head of the department, agency, or unit. (*Id.*, quoting 42 U.S.C. § 2000e-16(c).) The Magistrate Judge went on to conclude that neither Ms. Smock (a supervisor), Mr. Halley (a manager), nor Mr. Wilson (a plant manager) could be held liable under Title VII. (*Id.*)

The Court finds no error in the Magistrate Judge’s conclusions or reasoning. Mr. McGhee’s objection provides no basis otherwise. There, Mr. McGhee repeats many of the facts laid out in the Complaint. (*See* Obj.) But he does not explain why any of the named defendants are the *proper* defendant.

Accordingly, Mr. McGhee’s Objection (ECF No. 6) is **OVERRULED**. The Court **ADOPTS** and **AFFIRMS** the Magistrate Judge’s Report and Recommendation (ECF No. 4). The Complaint is **DISMISSED**. The Clerk is **DIRECTED** to **TERMINATE** this case.

**IT IS SO ORDERED.**

/s/ Sarah D. Morrison  
**SARAH D. MORRISON**  
**UNITED STATES DISTRICT JUDGE**